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*Attorneys for Defendants Salt Lake City and Officer Clinton Fox*

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**IN THE UNITED STATES DISTRICT COURT  
STATE OF UTAH, CENTRAL DIVISION**

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ESTATE OF PATRICK HARMON SR.;  
PATRICK HARMON II, as Personal  
Representative of the Estate of Patrick Harmon  
Sr., and heir of Patrick Harmon Sr., TASHA  
SMITH, as heir of Patrick Harmon, Sr.,

Plaintiffs,

vs.

SALT LAKE CITY, a municipality; and  
OFFICER CLINTON FOX, in his individual  
capacity,

Defendants.

**MOTION TO FILE OVERLENGTH  
SUMMARY JUDGMENT REPLY**

Case No. 2:19-cv-00553-HCN-CMR

Judge Howard C. Nielson, Jr.  
Magistrate Judge Cecilia M. Romero

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Pursuant to DUCivR 7-1, Defendants, through counsel, submit this *Motion to File Overlength Summary Judgment Reply*.

Defendants respectfully request the Court grant them leave to file an overlength Reply Brief in support of their Motion for Summary Judgment, (ECF 66), totaling 50 pages. This comprises approximately 28 pages of fact and 22 pages of argument. There is good cause for this request. The Motion seeks judgment on all of Plaintiffs' remaining causes of action, and it

presented 70 undisputed material facts. In addition to legal argument, Plaintiffs' Opposition presented 37 additional factual statements, largely about the same facts presented in the Motion. Defendants therefore require 28 pages to set forth the statements, responses, and replies.

Additionally, many of the legal issues require multi-part tests, each of which Defendants must address. For example, Plaintiffs' excessive force claim implicates the three-part *Graham* test, four-part *Larsen* test, and two-part qualified immunity inquiry. Plaintiffs' state-law causes of action similarly implicate multiple governmental immunity provisions, a three-part immunity test, and a two-part constitutional inquiry.

A proposed order is submitted herewith.

DATED: December 7, 2022.

SALT LAKE CITY CORPORATION

/s/ Katherine R. Nichols  
Katherine R. Nichols

*Attorney for Defendants Salt Lake City and  
Officer Clinton Fox*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 7, 2022, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court, which sent notice to:

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